

## **IC 5-22-5**

### **Chapter 5. Specifications**

## **IC 5-22-5-1**

### **Rules; policies**

Sec. 1. (a) A governmental body may adopt rules or establish policies for the preparation, maintenance, and content of specifications.

(b) Rules or policies may include a description of requirements for inspecting, testing, or preparing an item for delivery.

*As added by P.L.49-1997, SEC.1.*

## **IC 5-22-5-2**

### **Duties of purchasing agents**

Sec. 2. A purchasing agent shall prepare, issue, revise, maintain, and monitor the use of specifications.

*As added by P.L.49-1997, SEC.1.*

## **IC 5-22-5-3**

### **Purposes of specifications**

Sec. 3. A specification must do the following:

- (1) Promote overall economy for the purposes intended.
- (2) Encourage competition in satisfying the governmental body's needs.

*As added by P.L.49-1997, SEC.1.*

## **IC 5-22-5-4**

### **Indexed file of specifications**

Sec. 4. The purchasing agency shall maintain an indexed file of specifications prepared by or under the authority of its purchasing agents.

*As added by P.L.49-1997, SEC.1.*

## **IC 5-22-5-5**

### **Request for specifications**

Sec. 5. (a) The procedure described in this section may be used by a purchasing agent when both of the following are satisfied:

- (1) The purchasing agent makes a written determination that the development of specifications by the governmental body is not feasible.
- (2) The executive of the governmental body approves of the use of this section.

(b) The purchasing agent may issue a request for specifications that must include the following:

- (1) The factors or criteria that will be used in evaluating the specifications.
- (2) A statement concerning the relative importance of evaluation factors.
- (3) A statement concerning whether discussions may be conducted with persons proposing specifications to clarify the

specification requirements.

(c) The purchasing agent shall give notice of the request for specifications under IC 5-3-1.

(d) As provided in the request for specifications, the purchasing agent may discuss proposed specifications with persons proposing specifications to clarify specification requirements.

(e) Persons proposing specifications must be accorded fair and equal treatment with respect to any opportunity for discussion and revisions of proposed specifications.

*As added by P.L.49-1997, SEC.1.*

## **IC 5-22-5-6**

### **Purchase of degradable and disposable plastic products**

Sec. 6. (a) This section does not apply to a political subdivision.

(b) As used in this section, "biodegradation" means the conversion of all constituents of a plastic into miscellaneous component parts by the microbial action of fungi and bacteria upon natural materials such as cornstarch.

(c) As used in this section, "chemical degradation" means the conversion of all constituents of a plastic into miscellaneous component parts through the chemical reactions of additives such as auto-oxidants and the environment with the plastic.

(d) As used in this section, "degradable" means capable of being broken down by one (1) or more of the following degradation processes:

- (1) Biodegradation.
- (2) Photodegradation.
- (3) Chemical degradation.

(e) As used in this section, "photodegradation" means the conversion of all constituents of a plastic product into miscellaneous component parts through the physical breakdown of the plastic product upon sufficient exposure to ultraviolet radiation.

(f) As used in this section, "plastic" includes a hybrid material containing plastic as a major component.

(g) As used in this section, "refuse bag" means a disposable plastic bag that is designed to hold garbage, grass clippings, fallen leaves, or other refuse. The term includes a disposable plastic bag that is designed to be placed inside and to catch the refuse deposited in a rigid refuse receptacle.

(h) When purchasing disposable plastic products, including refuse bags, a governmental body shall purchase disposable plastic products that are degradable if all the following apply:

- (1) Degradable products are available at the time of the purchase.
- (2) It is economically feasible to purchase degradable products.
- (3) The purchase of degradable products is not inappropriate because of:
  - (A) federal regulations or policy in matters involving the federal government; or
  - (B) the special requirements of scientific uses.

(4) The degradable product to be purchased is economically and functionally the equivalent of disposable plastic products that:

- (A) meet applicable specifications; and
- (B) are not degradable.

(5) The degradable product to be purchased is, in the determination of the purchasing agent, a type of product for which the use of degradable materials is appropriate based upon:

- (A) the functional use of the product; and
- (B) whether the product will probably be recycled or disposed of in a final disposal facility.

*As added by P.L.49-1997, SEC.1.*

#### **IC 5-22-5-7**

##### **Purchase of recycled paper products**

Sec. 7. (a) This section does not apply to a political subdivision.

(b) A governmental body purchasing paper products shall purchase recycled paper products if all of the following apply:

- (1) Recycled paper products are available at the time of a purchase.
- (2) It is economically feasible to purchase recycled paper products.
- (3) The purchase of recycled paper products is not inappropriate because of:
  - (A) federal regulations or policy in matters involving the federal government; or
  - (B) the special requirements of scientific uses.

*As added by P.L.49-1997, SEC.1.*

#### **IC 5-22-5-8**

##### **Purchases of gasohol and blended biodiesel fuel for vehicles**

Sec. 8. (a) This section does not apply to a political subdivision.

(b) As used in this section, "blended biodiesel" has the meaning set forth in IC 6-3.1-27-2.

(c) As used in this section, "ethanol" means agriculturally derived ethyl alcohol.

(d) As used in this section, "gasohol" means gasoline that contains:

- (1) at least ten percent (10%) ethanol; or
- (2) ethyl tertiary butyl ether (ETBE) additives derived from ethanol.

(e) As used in this section, "gasoline fueled vehicle" refers to a vehicle that is capable of using gasoline to fuel its primary motor.

(f) As used in this section, "vehicle" includes the following:

- (1) An automobile.
- (2) A truck.
- (3) A tractor.

(g) Except as provided by subsection (i), a governmental body shall whenever possible purchase gasohol to fuel the gasoline fueled vehicles owned or operated by the governmental body.

(h) Except as provided by subsection (i), a governmental body shall whenever possible purchase blended biodiesel fuel to fuel the diesel fueled vehicles owned or operated by the governmental body.

(i) The following vehicles are exempt from the requirements of subsections (g) and (h):

(1) A vehicle that is leased by the governmental body for thirty (30) days or less.

(2) A vehicle whose official operating manual, as issued by the manufacturer of the vehicle, contains a statement that the use of gasohol or blended biodiesel fuel will damage the engine of the vehicle.

(3) A vehicle that:

(A) is primarily powered by an electric motor; or

(B) can use only propane, compressed or liquified natural gas, or methanol as its fuel source.

*As added by P.L.274-2001, SEC.1. Amended by P.L.6-2005, SEC.1.*